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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,196	07/19/2001	Yuichi Sato	1232-4742	9738

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EXAMINER
CARTER, TIA A

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/909,196	SATO ET AL.
	Examiner	Art Unit	
	Tia A Carter	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *7/19/01*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-4, 9-16, and 21-25 are rejected under 35 U.S.C. 102(e) as being

anticipated by Hamasuna (US. 6032864).

Regarding claim 1, Hamasuna discloses an image scanning system capable of

scanning an image in a plurality of scan modes (see fig. 3), comprising:

A memory (EFROM 24) for storing a correction data file having correction data for

each of the plurality of scan modes (fig. 3, col. 8, lines 8-17); and

A controller (CPU 21) for checking upon scanning an image if correction data

corresponding to a scan mode of that image scan operation is stored in said memory,

and if the correction data is not stored, controlling to generate correction data

corresponding to the scan mode, to execute an image scan using the generated

correction data (fig. 4, col. 13,lines 12-29).

Regarding claim 2, Hamasuna discloses the system according to claim 1, wherein the

correction data is shading data (fig. 1, col. 5, lines 13-14; fig. 4, col. 8, lines 33-35).

Regarding claim 3, Hamasuna discloses the system according to claim 1, wherein

the correction data includes calibration data and shading data (fig. 4, col. 8, lines 24-

35).

Regarding claim 4, Hamasuna discloses the system according to claim 1, wherein

said controller (CPU 21) controls to store the generated correction data in said memory

(figs. 1-2, col. 5, lines 8-24).

Regarding claim 9, Hamasuna discloses the system according to claim 1, wherein

the plurality of scan modes include a mode for scanning a transparent document, and

Said controller (CPU 21) controls to generate correction data for each scan, to

execute an image scan using the generated correction data, and to store the generated

correction data in said memory when an image is scanned in the mode for scanning the

transparent document (fig. 4, col. 13, lines 12-29).

Regarding claim 10, Hamasuna discloses the system according to claim 3, wherein the plurality of scan modes include a mode for scanning a transparent document, (fig. 3, col. 8, lines 8-17) and

Said controller (CPU 21) controls to generate calibration data for each scan, to execute an image scan using the generated calibration data, and to store the generated calibration data in said memory when an image scan is performed in the mode for scanning a transparent document (fig. 4, col. 13, lines 12-29).

Regarding claim 11, Hamasuna discloses the system according to claim 1, further comprising a selector (control panel 26) for selecting a desired one of the plurality of scan modes (fig. 3, col. 5, lines 43-62 and col6, lines 12-30).

Regarding claim 12, Hamasuna discloses the system according to claim 1, wherein said image scanning system is constructed by connecting to one of a plurality of different image sensing apparatuses (fig. 1, col. 5, lines 24-26)

Said memory (Efrom 25/24) stores the correction data file for each of the plurality of different image sensing apparatus (figs. 1-2, col. 5, lines 8-26), and

Said controller (CPU 21) independently controls for each of the plurality of different image sensing apparatuses (fig. 1, col. 5,lines 24-26 and lines 1-23).

Regarding claim 13, Hamasuna discloses an image scanning method in an image scanning system which can scan an image in a plurality of scan modes, and has a memory for storing a correction data file having correction data for each of the plurality of scan modes, comprising:

A first checking step of checking upon scanning an image if correction data corresponding to a scan mode of the image scan operation is stored in the memory (fig. 3, col. 8, lines 8-17);

A step of, when the correction data corresponding to the scan mode is not stored, generating correction data corresponding to the scan modes (fig. 4, col. 13, lines 12-29); and

A step of executing an image scan using the generated correction data (fig. 4, col. 13, lines 36-41).

Regarding claim 14, Hamasuna discloses the method according to claim 13, wherein the correction data is shading data (fig. 1, col. 5, lines 13-14; fig. 4, col. 8,lines 33-35).

Regarding claim 15, Hamasuna discloses the method according to claim 13, wherein the correction data includes calibration data and shading data (fig. 4, col. 8, lines 24-35).

Regarding claim 16, Hamasuna discloses the method according to claim 13, further comprising:

A step of storing the generated correction data in the memory (figs. 1-2, col. 5, lines 8-24).

Regarding claim 21, Hamasuna discloses the method according to claim 13, wherein the plurality of scan modes include a mode for scanning a transparent document, and when an image is scanned in the mode for scanning the transparent document (fig. 3, col. 5,lines 43-62; col. 6, lines 12-30), said method comprising the steps of:

Generating the correction data for each scan (fig. 3, col. 8, lines 8-17);

Storing the generated correction data in the memory (fig. 3, col. 13, lines 12-29); and

Executing the image scan using the generated correction data (fig. 4, col. 13, lines 36-41);

Regarding claim 22, Hamasuna discloses the method according to claim 15, wherein the plurality of scan modes include a mode for scanning a transparent document, and when an image is scanned in the mode for scanning the transparent document (fig. 3, col. 5, lines 43-62; col. 6, lines12-30), said method comprising the steps of:

Generating the calibration data for each scan (fig. 3, col. 8,lines 8-17);

Storing the generated calibration data in the memory 9fig. 3, col. 13, lines 12-29); and

Executing the image scan using the generated calibration data (fig. 4, col. 13, lines 36-41).

Regarding claim 23, Hamasuna discloses the method according to claim13, further comprising a selection step of selecting a desired one of plurality of scan modes (fig. 3, col. 5, lines 43-62 and col6, lines 12-30).

Regarding claim 24, Hamasuna discloses the method according to claim 13, wherein the image scanning system is constructed by connecting to one of a plurality of different image sensing apparatuses (fig. 1, col. 5, lines 24-26),

The memory (EFROM 25) stores the correction data file for each of the plurality of different image sensing apparatus (figs. 1-2, col. 5, lines 8-26).

Regarding claim 25, Hamasuna discloses a computer program product (program) comprising a computer usable medium (EEROM 24) having computer readable program code means embodied in said medium for an image scanning method in an image scanning system which cab scan an image in a plurality of scan modes (figs. 1-2, co. 5,lines 8-10), and has a memory (EEROM 25) for storing a correction data file having correction data for each of the plurality of scan modes (fig. 3, col. 8, lines 8-17), said product including:

First computer readable program code means (CPU 21 program) for checking upon scanning an image if correction data corresponding to a scan mode of the image scan operation is stored in the memory (fig. 4, col. 13, lines 12-29);

Second computer readable program code means for when the correction data

corresponding to the scan mode is not stored, generating correction data corresponding

to the scan mode ((fig. 4, col. 13, lines 12-29); and

Third computer readable program code means for executing an image scan using the

generated correction data (fig. 4, col. 13, lines 26-41).

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claims 5-8, 17-19, 20, are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claim(s) contains subject

matter, which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention.

The closest detailed process related to the limitations disclosed in the claims above is

cited on page 38, lines 14-16 and page 26, lines 22-25 of the specification.

Regarding claim 5, limitations not disclosed in the specification is as cited:

wherein the correction data file has information indicating a <u>scan count</u>,

Said system further comprises a <u>counter for counting the scan count every time an image scan is executed</u>, and

Said controller checks if the scan count has reached a predetermined value, and determines that correction data corresponding to the selected scan mode is not stored if the scan count has reached the predetermined value.

Regarding claim 6, the limitations are not disclosed in the specification and/or drawing as cited:

wherein said controller deletes all correction data stored in said memory when the scan count has reached the predetermined value, and

Wherein said counter resets the scan count to an initial value when all the correction data stored in said memory are deleted.

Regarding claim 8, the limitations are not disclosed in the specification and/or drawing as cited:

Wherein said counter resets the scan count to the initial value when all the correction data stored in said memory are deleted.

Regarding claim 17, the limitations are not disclosed in the specification and/or drawing as cited:

A counting step of counting the scan count every time the image scan is executed; and

A step of checking if the scan count reaches a predetermined value, and

It is determined in said first checking step that correction data corresponding to the

selected scan mode is not stored if the scan count has reached the predetermined

value.

Regarding claim 18, the limitations are not disclosed in the specification and/or

drawing as cited:

A deletion step of deleting all correction data stored in the memory when the scan

count has reached the predetermined value; and

Reset step of resetting the scan count to an initial value when all the correction data

stored in the memory are deleted in said delete step.

Regarding claim 20, the limitations are not disclosed in the specification and/or

drawing as cited:

A delete step of deleting all the correction data stored in the memory when one of

the checking results is negative; and

A reset step of resetting the scan count to the initial value when all the correction

data stored in the memory are deleted in the delete step.

Regarding claims 7 and 19 depended upon claims 5 and 17, which disclosed

limitations, which was not disclosed in the specification.

Conclusion

1.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Machida (US. 6642943) and Yoo (US. 6421146) are cited to show related art with respect to correction of image data scanned.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia A Carter whose telephone number is 703 - 306-5433. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
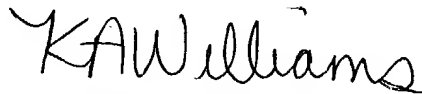
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